

COPY

*copy in  
opinion*  
49 L

1952

NEW HAMPSHIRE LAW LIBRARY

May 7

SEP 03 1998

CONCORD, N.H.

Mr. John O. Morton, Deputy Commissioner,  
Department of Public Works & Highways

Dear Sir:

You have inquired whether a town may obligate its Apportionment A to issue bonds in a manner similar to that authorized for obligation of Apportionment B by larger towns, pursuant to provisions contained in R.L., c. 90, Part 13, s. 2, as amended. My opinion is that this may not be done.

In s. 2 is found the authority for obligation of Apportionment B,

"Any city or town issuing bonds to accelerate the improvement of arterial routes within its compact area may apply any part of the funds herein apportioned, for a period not to exceed ten years, to aid in the retirement of such bonds;"

Nowhere in the statute do I find any definition of the words "arterial routes", but I presume these words are intended to mean urban extensions of Class I and Class II highways. The addition of the words "within its compact area" serves to strengthen this conclusion, and I find nothing to indicate that these words could mean Class V highways.

It is therefore my conclusion that the statute does not authorize the application of Apportionment A funds to the retirement of bonds issued to accelerate the improvement of Class V highways, and that such a procedure would require additional legislation.

Very truly yours,

Maurice H. Blodgett  
Deputy Attorney General

MMB:HP